

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 10-0029MJ

JORGE CONTRERAS,

Defendant.

PROPOSED FINDINGS
AND
RECOMMENDED DISPOSITION

THIS MATTER is before the Court on a Motion for Order of Forfeiture of Bond (*Doc. 21*). I held a hearing on this motion on March 19, 2010 and hereby make these findings:

1. On January 6, 2010 Defendant Jorge Contreras was charged by criminal complaint with possession with intent to distribute more than 50 kilograms of marijuana, in violation of 21 U.S.C. § 841.

2. I granted conditions for release on January 7, 2010 which required that Defendant execute an unsecured bond agreement to forfeit property in the amount of \$5,000.00 and then be placed into his father's custody. *Doc. 8*.

3. The Defendant signed the required Agreement to Forfeit Property that same day. *Doc. 10*.

4. Although the conditions for release required that Defendant not leave the United States, Jorge Contreras informed his father that he is now in Mexico and refuses to return. *Doc. 15*.

5. The Court properly noticed Defendant of the date and time for hearing on the order to show cause why bond should not be forfeited. *Doc. 22.*

6. Defendant failed to appear at that hearing and his attorney offered no valid defense to forfeiture. *Doc. 23.*

RECOMMENDED DISPOSITION

Pursuant to Federal Rule of Criminal Procedure 46(f)(1), I recommend a declaration of bond forfeiture against Defendant. I further recommend that judgment be entered against the Defendant in the principal amount of \$5,000.00, together with United States District Court docketing fees in the amount of \$350.00 as provided by 28 U.S.C. §§2412(a)(2) and 1914(a), and interest at the legal rate compounded annually and computed daily until paid.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 10 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the ten-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**


UNITED STATES MAGISTRATE JUDGE